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PATENT

Attorney Docket No.: 016930-000630US

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T & TE Dexandria, VA 22313-1450

on FEBRUARY 5, 2004

FEB 2 0 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Jimberly Rosa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael H. Shepard, et al.

Application No.: 10/076,691

Filed: February 14, 2002

For: METHOD FOR SELECTIVELY TRANSDUCING PATHOLOGIC MAMMALIAN CELLS USING A TUMOR SUPPRESSOR GENE Examiner: Dave Nguyen

Art Unit: 1632

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37

CFR §1.97 and §1.98

\*Commissioner for Patents P.O. Box 1450 \*Alexandria, VA 22313-1450

Sir:

The references cited on the attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed herewith. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Applicants would also like to bring to the attention of the Examiner the following related patent applications: U.S. Patent Application No. 08/403,797, filed December 4, 1995, now U.S. Patent Number 6,348,352 B1 (Attorney Docket No. 016930-000600US), International Patent Application Number PCT/US93/08844, filed September 17, 1993, publication number

Michael H. Shepard et al. Application No.: 10/076,691

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WO 94/06910 A1 (Attorney Docket No. 016930-000600PC), U.S. Patent Application No. 08/379,168, filed January 27, 1995, now abandoned (Attorney Docket No. 016930-000620US), and U.S. Patent Application No. 07/948,289, filed September 18, 1992, now abandoned (Attorney Docket No. 016930-000610US). The Examiner is respectfully requested to make these documents of record in the subject application.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that <u>no fee is required</u> for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Frank J. Mycroft Reg. No. 46,946

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834

Tel: 925-472-5000 Fax: 925-472-8895

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

	Complete if Known
Application Number	10/076,691
Filing Date	February 14, 2002
First Named Inventor	Shepard, Michael HFEB 2 0 2004
Art Unit	1632 FED 2 U 2004
Examiner Name	Dave Nguyen
Attorney Docket Number	016930-000630US

	U.S. PATENT DOCUMENTS+				
Examiner Initials*			Publication Date MM-DD-YYYY		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	Cite No.1			Name of Patentee or Applicant of Cited Document	
	1.	6,348,352 B1	02-19-2002	Shepard et al.	
	2.	USSN 07/948,289	N/A (Filed 09-18-1992)	Shepard et al.	
	3.	USSN 08/379,168	N/A (Filed 01-27-1995)	Shepard et al.	
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			_	FOREIGN PA	TENT DOCUM	ENTS		
Examiner Cite No.1	Cita	Foreign Patent Document				Name of Patentee or	Pages, Columns, Lines, Where Relevant	
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T <sup>6</sup>
	4.	wo	94/06910	A1	03-31-1994	Canji, Inc.		

Examiner Signature	Date Considered	

Sheet

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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	Complete if Known		
Application Number	10/076,691		
Filing Date	February 14, 2002		
First Named Inventor	Shepard, Michael H.		
Art Unit	1632	FEB 20	bona
Examiner Name	Dave Nguyen	- 40 2 0	<b>ZUU4</b>
Attorney Docket Number	016930-000630US		

Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T 2
	5.	KOLATA, G., "In the rush toward gene therapy, some see a high risk of failure," The New York Times; page C3, Tuesday, July 25, 1995.	
	6.	LIM, B. et al., "Long-term expression of human adenosine deaminase in mice transplanted with retrovirus-infected hematopoietic stem cells" <a href="Proc Natl Acad Sci U S A">Proc Natl Acad Sci U S A</a> . 86:8892-8896 (1989).	
	7.	ORKIN, S. et al., "Report and recommendations of the panel to assess the NIH investment in research on gene therapy" December 7, 1995.	

Examiner Date Signature Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.